

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

BJ ENERGY LLC, FRANKLIN POWER LLC,
GLE TRADING LLC, OCEAN POWER LLC,
PILLAR FUND LLC, and ACCORD
ENERGY, LLC,
Plaintiffs,

CIVIL ACTION

v.

PJM INTERCONNECTION, LLC,
Defendant and Counterclaim
Plaintiff,

v.

Nos. 08-3649 and
09-2864, consolidated

MARK GORTON, TOWER RESEARCH
CAPITAL LLC, TOWER RESEARCH
CAPITAL INVESTMENTS LLC, ACCORD
ENERGY LLC, BJ ENERGY LLC, FRANKLIN
POWER LLC, GLE TRADING LLC, OCEAN
POWER LLC, PILLAR FUND LLC, and
POWER EDGE LLC,
Counterclaim Defendants.

ORDER

AND NOW, this 13th day of April, 2010, upon consideration of PJM Interconnection, LLC's Motion to Strike Certain of Counterdefendants' Affirmative Defenses or for Partial Judgment on the Pleadings (paper no. 125), and the response thereto, it is **ORDERED** that the Motion is **GRANTED** with respect to affirmative defenses numbers four and five and **DENIED** in all other respects.

/s/ Norma L. Shapiro

J.